

1 BILL NO. S-87-03 - 15 (as amended) (as amended) (as amended)
2 (as amended)

3 SPECIAL ORDINANCE NO. S- Withdrawn

4
5 AN ORDINANCE AMENDING CHAPTER 7 OF
6 THE MUNICIPAL CODE OF THE CITY OF
7 FORT WAYNE, INDIANA BY ADDING A NEW
8 ARTICLE II., ENTITLED "TRANSIENT MERCHANTS".

9
10 WHEREAS, Chapter 7 of the Municipal Code of
11 the City of Fort Wayne, Indiana is being currently
12 revised; and

13 WHEREAS, Chapter 7 of the Municipal Code of
14 the City of Fort Wayne, including Article IX. Division 3
15 which governs Transient Merchants has been repealed; and

16 WHEREAS, a revised version of an Article
17 governing Transient Merchants will better enable the
18 City to regulate them.

19 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
20 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

21
22 SECTION 1: That the Municipal Code of the
23 City of Fort Wayne, Indiana is hereby amended by adding
24 a new Article II. of Chapter 7, which new article
25 consists of the following language:

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2 PAGE TWO
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6 ARTICLE II. TRANSIENT MERCHANTS.
7

8 Sec. 7-20. "Transient Merchant" defined.
9

10 The words "transient merchant," when used in this
11 division, shall include all persons, firms or
12 corporations, both as principals and agents, or any
13 promoter of an event who engage in, do or transact, any
14 temporary or transient business in this city, for a
15 period of one hundred twenty (120) days or less, either
16 in one locality or in traveling from place to place in
17 this city, offering for sale or selling goods, wares or
18 merchandise, including but not limited to items
19 containing gold, silver or precious stones, and/or
20 services, including those who, for the purpose of
21 carrying on such business, hire, lease or occupy any
22 permanent or mobile building, structure, real estate, or
23 any other place, for the exhibition of means by samples,
24 catalogues, photographs, and price lists or sale of such
25 goods, wares or merchandise, including items containing
26 gold, silver or precious stones, and/or services.
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Sec. 7-21. Permit; Required.

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It shall be unlawful for any transient merchant to do or transact any business in the sale of goods, wares or merchandise of any and every kind, make and description, and/or services, without first obtaining a permit therefor as herein provided.

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Sec. 7-22. Permit; Application.

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Each transient merchant desiring to engage in, do and transact business in the city shall file a verified application for permit for that purpose with the city controller which application shall state the person's name, residence, building, permanent or mobile building, structure, real estate, or other place in which she/he expects to do business and the make and character of the goods, wares and merchandise including but not limited to any items containing gold, silver or precious stones, and/or services, she/he intends to sell.

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2 Sec. 7-23. Permit fee; issuance; term.

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4 Each transient merchant shall pay to the city controller
5 for a permit the sum of three hundred dollars (\$300.00),
6 and on the filing of the application and the payment of
7 the permit fee as herein provided, the city controller
8 shall issue a permit to do business as such at the place
9 described in the application for a period of not less
10 than one hundred twenty (120) days.

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14 Sec. 7-24. Permit; Transfer.

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16 No permit issued under the provisions of this
17 subdivision shall be good for more than one location and
18 it shall not be transferable.

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21 Sec. 7-25. Refund of permit fee.

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23 The controller of the city will refund the permit fee
24 that has been paid herein if such transient merchant
25 remains in business longer than one hundred twenty (120)
26 days.

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7 Sec. 7-26. Violation and Penalty.
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10 (a) Any permittee under this article violating any
11 provision thereof shall be subject to permit revocation
12 or suspension pursuant to the provisions of this
13 article.

14 (b) Any person who violates any provision of this
15 article shall be subject to a fine of not less than
16 three hundred dollars (\$300.00) and not more than one
17 thousand dollars (\$1,000.00). Each day such violation
18 is committed or permitted to continue shall constitute a
19 separate violation.

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7 SECTION 2: Severability. Should any section,
8 paragraph, sentence, clause or phrase of this ordinance
9 be declared unconstitutional or invalid for any reason,
10 the remainder of said ordinance shall not be affected
11 thereby.
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14 SECTION 3: This ordinance shall be in full
15 force and effect from and after its passage, and any and
16 all necessary approval by the Mayor and legal
17 publication thereof.
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 COUNCILMEMBER
21
22

23 APPROVED AS TO FORM AND LEGALITY.
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25

26 Stanley A. Levine
27 Attorney for Common Council
28 Dated this _____ day of _____, 1987
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4 BILL NO. S-87-03-15
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6 SPECIAL ORDINANCE NO. S-_____

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9 FORT WAYNE, INDIANA BY ADDING A NEW
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transact any business in the sale of goods, wares or
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without first obtaining a permit therefor as herein
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transact business in the city shall file a verified
application for permit for that purpose with the city
controller which application shall state the person's
name, residence, building, permanent or mobile building,
structure, real estate, or other place in which she/he
expects to do business and the make and character of the
but not limited to,
goods, wares and merchandise including *any* items
containing gold, silver or precious stones she/ he
intends to sell.

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6 Sec. 7-23. Permit fee; issuance; term.
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9 Each transient merchant shall pay to the city controller
10 for a permit the sum of five hundred dollars (\$500.00),
11 and on the filing of the application and the payment of
12 the permit fee as herein provided, the city controller
13 shall issue a permit to do business as such at the place
14 described in the application for a period of not less
15 than one hundred twenty (120) days.
16

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19
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21 No permit issued under the provisions of this
22 subdivision shall be good for more than one location and
23 it shall not be transferable.
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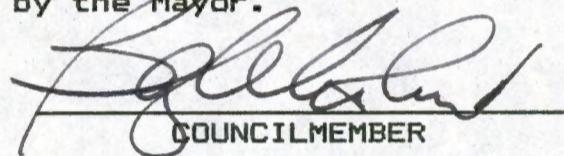
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26 Sec. 7-25. Refund of permit fee.
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28

29 The controller of the city will refund the permit fee
30 that has been paid herein if such transient merchant
31 remains in business longer than one hundred twenty (120)
32 days.

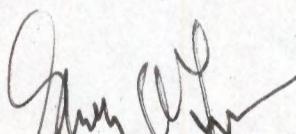
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6 paragraph, sentence, clause or phrase of this ordinance
7 be declared unconstitutional or invalid for any reason,
8 the remainder of said ordinance shall not be affected
9 thereby.

10
11 SECTION 3: This ordinance shall be in full
12 force and effect from and after its passage, and any and
13 all necessary approval by the Mayor.

14 
15 COUNCILMEMBER

16 APPROVED AS TO FORM AND LEGALITY.
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18 
19 _____
20 Stanley A. Levine
21 Attorney for Common Council
22 Dated this _____ day of _____, 1987
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Read the first time in full and on motion by Eisbart,
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee 12 Nov 1974 (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____.M., E.S.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19_____,
at the hour of _____ o'clock _____.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____.M., E.S.T.

WIN MOSES, JR., MAYOR

BILL NO. S-87-03-15

Honorements

Tuesday April 17

REPORT OF THE COMMITTEE ON

AD HOC COMMITTEE - FORT WAYNE
MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974
REFERRED AN (ORDINANCE) (RESOLUTION) TO WHOM WAS
THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA BY ADDING A
NEW ARTICLE II, ENTITLED "TRANSIENT MERCHANTS"

WITHDRAWN!

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

Withdrew

J. P. Denney
Melvin E. Seale
J. M. N.
Donald L. Bradbury
Samuel J. Tolman

CONCURRED IN

4-14-87

SANDRA E. KENNEDY
CITY CLERK